

# ORDINANCE 1514

## **AN ORDINANCE AMENDING NORTH BEND MUNICIPAL CODE SECTION 18.10.030, TABLE OF PERMITTED AND CONDITIONAL LAND USES, CONCERNING TATTOO PARLORS AND PIERCING STUDIOS AS A PERMITTED USE, AND SECTION 18.10.040 BULK AND DIMENSIONAL STANDARDS FOOTNOTE 18, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of North Bend adopted Ordinance No. 1482 on March 5, 2013, establishing interim zoning regulations related to home occupation business licenses; and

**WHEREAS**, pursuant to state law, the City Council held a public hearing on the interim zoning regulations established by Ordinance No. 1482 on April 16, 2013; and

**WHEREAS**, the City Council adopted Findings of Fact in Ordinance No. 1482 and reserved the right to adopt additional Findings of Fact after the required public hearing; and

**WHEREAS**, the City Council did adopt additional Findings of Fact in support of the interim zoning regulations in Ordinance No. 1489, adopted on May 21, 2013; and

**WHEREAS**, on May 23, 2013 the City of North Bend's Planning Commission considered amendments to North Bend Municipal Code Section 18.10.030, Table of Permitted and Conditional Land Uses, Section 18.10.025C.3. Special Districts, East North Bend Master Plan District concerning tattoo parlors as a permitted use, and Section 18.10.050(1.53) Performance Standards, concerning Home Occupations; and

**WHEREAS**, the Planning Commission held a public hearing on June 13, 2013 to hear testimony as it pertained to the proposed North Bend Municipal Code amendments regarding tattoo parlors and piercing studios; and

**WHEREAS**, the City Council after considering the Planning Commission's recommendation on June 18, 2013 adopted Ordinance 1492, which allowed the use in the IMU zone, in areas located north of I-90 as a permitted commercial use and prohibited it as a home occupation; and

**WHEREAS**, subsequent to the Council decision on June 18, 2013, the Planning Commission expressed a concern that their PC recommendation of June 13, 2013 inadvertently did not reflect their intent; and

**WHEREAS**, on July 16, 2013, Planning Commission Chairman provided the CED Council Committee a clarification of the Planning Commission's intent, which was: In the four commercial zones where the PC recommended the use be allowed as a permitted use per the Table of Permitted and Conditional Uses (DC, IC, IMU and NB), the use would also be allowed as a home occupation in those commercial zones; and

**WHEREAS**, in response to the clarification from the Planning Commission Chairman, the CED Council Committee reconsidered the Planning Commission's recommendation, specifically where Tattoo Parlors and Body Piercing Studios may be allowed; and

**WHEREAS**, upon reconsideration of the Planning Commission's recommendation, the CED Council Committee ultimately recommended the use be additionally allowed within the Downtown Commercial (DC) zoning district, however only in those buildings abutting and fronting North Bend Way and/or Bendigo Blvd. and areas located south of North Bend Way within the DC zone; and

**WHEREAS**, the neighborhood areas, located north of North Bend Way, contain a significant number of residential homes interspersed throughout that portion of the DC zone; and

**WHEREAS**, because the City finds Tattoo Parlors and Piercing Studios are not a compatible use with single family residential, the City Council therefore limits the areas within the DC zone wherein tattoo parlors and piercing studios would be allowed;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The City Council adopts the amendments to North Bend Municipal Code Section 18.10.030, Permitted and Conditional Uses concerning tattoo parlors and piercing studios attached hereto as Exhibit A.

**Section 2. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date:** This ordinance shall take effect five (5) days after its publication or publication of a summary of its intent and contents.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3<sup>RD</sup> DAY OF DECEMBER, 2013.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: December 11, 2013  
Effective: December 16, 2013

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**Susie Oppedal, City Clerk**